

REMARKS

This Amendment is submitted in response to the official action that issued in the application on June 17, 2009. Claims 1, 4-8, 11-15, 26, and 29-34 were pending in the application. In the official action, claims 1, 4-8, 11-15, 26, and 29-34 were rejected. In this Amendment, claims 1, 8, 26, and 34 have been amended. Claims 1, 4-8, 11-15, 26, and 29-34 thus remain for consideration.

Applicants submit that claims 1, 4-8, 11-15, 26, and 29-34 are in condition for allowance and request withdrawal of the rejections in light of the following remarks.

§112 Rejections

Claims 1, 4-8, 11-15, 26, and 29-34 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Claims 1, 8, 26, and 34 have been amended. Applicants submit that the amendments to claims 1, 8, 26, and 34 render claims 1, 4-8, 11-15, 26, and 29-34 compliant with §112. Accordingly, Applicants request that the rejections under §112 be withdrawn.

§102 and §103 Rejections

Claims 1, 5-8, 11-14, 26, 29-32, and 34 were rejected under 35 U.S.C. § 102(e) as being anticipated by Patsiokas (U.S. Patent No. 7,010,263).

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Patsiokas in view of Benjamin et al. (U.S. Patent No. 6,721,489).

Claims 15 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Patsiokas.

Applicants submit that the independent claims (claims 1, 8, 26, and 34) are patentable over Patsiokas and Benjamin (collectively "the cited references").

Applicants' invention as recited in claim 1 is directed toward a method of storing additional information. The claim recites "receiving, from a receiver that receives a digital radio broadcast in which additional information is multiplexed with an audio program, the additional information thereof; the additional information having a data portion that includes a payload and a header portion that includes information associated with the payload." The claim further recites "determining whether user preset key information, or one or more variations of the user preset key information, is included in the header portion of the additional information." (Emphasis supplied.) Supporting disclosure for the emphasized recitation can be found in the specification at, for example, page 16, line 15 - page 17, line 24. Claims 8, 26, and 34 include similar recitations.

None of the cited references discloses the emphasized recitation. Accordingly, Applicants believe that claims 1, 8, 26, and 34 are patentable over the cited references - taken either individually or in combination - on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicants believe that dependent claims 4-7, 11-15, and 29-33 are patentable over the cited references for at least the same reasons discussed in connection with the independent claims.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, the Examiner is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

Application No.: 10/021,875

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The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

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